105. (New) A composition comprising the polynucleotide of claim 86 and a pharmaceutically acceptable carrier.--

a/ Cont

Remarks

I. Amendment of the Claims.

Originally filed claims 11, 13, 17-20, and 22-23, and new claims 24-105 will be pending upon entry of this amendment.

Claims 1-10, 12, 14-16, 19, and 21 have been canceled in favor of new claims 24-105 in order to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Applicants submit that the subject matter of new claims 24-105 falls within the scope of Group I, as defined by the Examiner in the Office Action dated July 27, 2000. New claims 24-105 find support in the claims as originally filed and throughout the specification. Thus, no new matter has been introduced.

Particularly, support for new claims 24-33 is found, for example, at page 3, lines 14-20; at page 9, line 25 through page 10, line 8; and at page 23, lines 1-17. Support for new claims 46-54, is found, for example, at page 13, line 16 through page 15, line 9; and at page 23, lines 1-17. Support for new claims 67-73 is found, for example, at page 23, line 34 through page 28. Support for new claims 86-93 is found, for example, at page 41, lines 27-34. Support for new claims 34-45, 55-66, 74-85, and 94-105 is found, for example, at page 48, line 23 through page 52, line 2.

Thus, no new matter has been added by way of amendment. Entry of the above amendment is therefore respectfully solicited.

II. The Restriction Requirement.

The Examiner has required an election under 35 U.S.C. § 121 of one of Groups I-X. In response, Applicants provisionally elect, *with traverse*, Group I represented by claims 1-10, 14-15, 19, and 21, and newly added claims 24-105 for further prosecution. Applicants reserve the right to file one or more divisional applications directed to non-elected inventions should the restriction requirement be made final.

Applicants respectfully traverse the restriction requirement as it applies to Groups I-X. As the Examiner points out, polynucleotides, polypeptides, and antibodies are patentably distinct inventions. However, even where two patentably distinct inventions appear in a single application, restriction remains improper unless it can be shown that the search and examination of both groups would entail a "serious burden". *See*, M.P.E.P. § 803. In the present situation, no such showing has been made. Indeed, no arguments have been made explaining why it would impose an undue burden to examine Groups I-X together.

Applicants submit that a search of the polynucleotide claims would provide useful information for Groups II-X. For example, in many if not most publications, where a published nucleotide sequence contains an open reading frame, the authors also routinely include polypeptides, antibodies, methods of treatment, detection, and identification of binding partners and activities. Thus, the searches for polynucleotides, polypeptides, antibodies, methods of treatment, detection, and identification of binding partners and activities commonly overlap. Thus, the search and examination of a polynucleotide, its corresponding deduced polypeptide sequence, corresponding antibodies and methods of treatment, detection, and identification of binding partners and activities would not entail a serious burden. Thus, the searches for Groups I-X would be overlapping.

Accordingly, as applied to Groups I-X, the restriction requirement should be withdrawn.

III. Conclusion.

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. Applicants believe that this application is in condition for substantive examination. If in the opinion of the Examiner, a telephone conference would expedite prosecution, the undersigned can be reached at the telephone number indicated below.

If there are any fees due in connection with the filing of this paper, please charge the fees to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: January 25, 2001 Joseph J. Kenny

Joseph J. Kenny (Reg. No. 43,710)
Agent for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
Telephone: (301) 610-5800
Facsimile: (301) 309-8439

MMW/JJK/lcc
Enclosures